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Japan

Planting Seeds

Planting Seeds Annual Report 2007

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Report Highlights:

In order to increase plant variety protection in Japan the Ministry of Agriculture, Forestry and Fisheries released the Revision of the Seeds and Seedlings Act.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Tokyo [JA1]
[JA]

Table of Contents

I. Executive Summary	3
II. Production	4
III. Plant Health Regulations	4
IV. Seed Certification.....	4
V. Intellectual Property Rights (Plant Variety Protection/Plant Patents)	4
VI. Variety Approval and Registration	5
VII. Genetically Modified Organism (GMOs)/Biotechnology	7
VIII. Statistical information.....	7
1) Tariff	7
2) Harmonized System – Tariff Codes for Planting Seeds in Japan	8

I. Executive Summary

In May 2007, Japan got through the Revision of the Seeds and Seedlings Act, which was made in order to strengthen punitive measures for violation of plant variety protection rights and to lighten the burden of proof for claimant breeders. These changes will encourage Japanese breeders to take legal actions to suspend crops unlawfully produced from registered varieties.

End of Summary

II. Production

The Ministry of Agriculture, Forestry and Fisheries (MAFF) has not made available statistics on the production of planting seeds since 1998. Therefore, domestic production and use data is not available.

III. Plant Health Regulations

There has been no change for Plant Health Regulations related to planting seeds since August 2006.

IV. Seed Certification

Japan is a signatory of the Organization of Economic Cooperation and Development (OECD) Seed Schemes which consist of seven schemes. Japan is affiliated with three schemes such as grasses of legumes, crucifers and other oil or fibre species, and fodder beet and sugar beet.

As of July 2005, 101 forage crops which are developed in Japan are registered in the OECD Seed Certification System.

V. Intellectual Property Rights (Plant Variety Protection/Plant Patents)

In recent years, there were cases involving the sale of plants grown in Japan and/or in foreign countries with registered seeds that were illegally removed in an infringement of the breeder's rights. However, as compared with the other intellectual property rights, protection of breeder's rights in Japan has not been sufficient. For this reason, MAFF issued the following Revision of the Seeds and Seedlings Act, which strengthened punitive measures and lightened the burden of proof for claimant breeders.

Individual: Ten or less years of imprisonment, and a 10 million or less yen fine.

Corporation: 300 million or less yen fine.

The defendant who denies infringement is obligated to prove it.

A court can order presentation of required documents.

The amount of damage is calculated on the basis of the price of regular articles.

Trials containing trade secrets can be kept from disclosure.

This revision will take effect on December 1, 2007.

Japan joined the International Union for the Protection of New Variety of Seeds (UPOV) in 1982 and adopted the 1991 convention in 1998.

VI. Variety Approval and Registration

There have been no new changes in the variety approval process since August, 2006.

The number of applications for variety registration of planting seeds accepted by MAFF was 1,290 in 2006, down 6.9% from 1,385 in the previous year (i.e. April-March). The number of varieties registered was 1,235, down 9.0% from the previous year.

MAFF has an English website on "Plant Variety Protection", which provides the following information.

1. The law and government ordinances
2. An institutional outline
3. Documents required for a variety approval application

<http://www.hinsyu.maff.go.jp/english/index.htm>

NUMBER OF SEED VARIETY APPLICATIONS & REGISTRATIONS TWO-YEAR COMPARISON (JAPAN FISCAL YEAR: APR. THROUGH MAR.)				
Crops	Applications		Registrations	
	2005	2006	2005	2006
Edible Crops	62	49	56	56
Vegetables	68	86	48	61
Fruits	47	50	35	55
Forage Crops	15	9	10	31
Herbaceous Plants	907	801	713	828
Ornamental Plants	273	264	220	158
Forest Trees	0	0	2	0
Others	13	13	29	46
Total:	1,385	1,290	1,110	1,235

(Source: Ministry of Agriculture, Forestry and Fisheries)

The number of applications and registrations of seed varieties, which were developed in foreign countries, are shown in the following table. As of the end of March 2007, the cumulative number of applications for new registrations for seed varieties, grown outside of Japan, was reported as 6,442 cases, up 474 cases or 7.9% from the previous year, and the number of registrations was 4,391 cases, up 9.4% from the previous year.

NUMBER OF REGISTRATION OF SEED VARIETIES BY CROP & CPUNTRY, GROWTH OUTSIDE JAPAN, as of the end of March, 2007																	
Country		Total		Edible Crops		Industr ial Crop		Vegetable		Fruit Trees		Forage Crops		Herbaceous Plants		Ornamental Plants	
		A	R	A	R	A	R	A	R	A	R	A	R	A	R		
Asia	Israel	421	282					1	1					419	281	1	
	Thailand	22	14					1	1					21	13		
	China	11	7	5	5					3				3	2		
	Korea, So.	10	2					2						4	1	4	1
	Taiwan	19	8					5	2					12	6	2	
	India	1												1			
	Philippine	2												2			
	Indonesia	2	2									2	2				
Europe	Netherlands	2,308	1,618	1				14	10					1,718	1,211	575	397
	Germany	1,046	799							2				627	455	417	344
	France	397	301	12	8			6	1	8	5			156	122	215	165
	Italy	229	157											188	125	41	32
	U. K.	363	251					2	2	7	7			218	135	136	107
	Denmark	401	236											226	133	175	103
	Ireland	8	1											6		2	1
	Belgium	11	5							1	1			7	1	3	3
	Switzerland	8	4							2	1			6	3		
	Spain	25	5					1						23	4	1	1
	Sweden	1	1													1	1
	Norway	2	2											1	1	1	1
	Slovakia	1	1											1	1		
	Czech	1														1	
	Poland	4	4											4	4		
	Portugal	1	1													1	1
	Austria	2												1		1	
Americas	U.S.A.	796	490	2	1	2		23	19	12	6	10	9	533	307	214	148
	Argentina	2	1											1	1	1	
	Ecuador	7	1											3		4	1
	Costa Rica	27	17											26	17	1	
	Canada	5	3	1										1		3	3
	Mexico	1	1													1	1
	Brazil	9	6							3	1			6	5		
Oceania	Australia	146	85					2		2				132	84	10	1
	New Zealand	131	73							21	6			35	19	75	48
Africa	Kenya	3														3	
	Morocco	1						1									
	South Africa	18	13											16	12	2	1
Total		6,442	4,391	21	14	2		58	36	61	27	12	11	4,397	2,943	1,891	1,360

(Source: Ministry of Agriculture, Forestry & Fisheries)

VII. Genetically Modified Organism (GMOs)/Biotechnology

Japan does not produce any biotech products commercially; however Japan is the world's largest importer. Please refer the "Japan Biotechnology Annual Report 2007" GAIN JA7040 for details. <http://www.fas.usda.gov/gainfiles/200707/146291858.pdf>

VIII. Statistical information**1) Tariff**

The table below shows the import duties levied on planting seeds. Other seeds are duty free.

Crop	HS Code (Harmonized System)	Tariff Rates (WTO)
Pea Seeds	0713.10.211	6.0%
Kidney Bean Seeds	0713.33.210	6.0%
Broad Bean Seeds	0713.50.210	6.0%
Other Seeds (Vigna spp., Phaseolus spp.)	0713.39.210	6.0%
Other Seeds (Dried leguminous vegetables)	0713.90.210	6.0%

(Source: Customs Tariff Schedule of Japan)

2) Harmonized System – Tariff Codes for Planting Seeds in Japan

The HS codes for vegetable seeds and forage crop seeds have been changed. Trade data for each crop in former GAIN reports was obtained based on the HS codes shown in the table below. Japan uses 9-digit codes while the United States uses 10-digit codes. The first 6 digits are universal standard codes and the rest vary by country. BICO provides trade data for planting seeds includes six seeds groups. Each group represents a total of the individual commodities, based on the HS codes. Some of those commodities do not really fall in the Japanese customs tariff schedule.

Seed Group	HS Code
Vegetable Seeds	1209.91-010; 1209.91-090
Sugar Beet Seeds	1209.10-000
Forage Crop Seeds	1209.21-000; 1209.22-000; 1209.23-000; 1209.24-000; 1209.25-000; 1209.29-000; 1002.00-010; 1004.00-010; 1005.10-010; 1007.00-010; 1008.10-010; 1008.90-010
Pea / bean Seeds	0713.10-010; 0713.10-211; 0713.20-010; 0713.33-010; 0713.33-210; 0713.39-010; 0713.39-210; 0713.40-010; 0713.50-010; 0713.50-210; 0713.90-010; 0713.90-210
Sweet Corn Seeds	0712.90-031
Herbaceous Plant Seeds	1209.30-000
Other Planting Seeds	1209.99-000

End of Report